

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 Case No.: 2:18-cv-01079-JAD-VCF

4 Christopher Sanders, Sr. et al.,

5 Plaintiffs

Order Dismissing Action

6 v.

7 United States of America,

8 Defendant

9 Plaintiff Christopher Sanders, Sr. brings this civil-rights case under § 1983.¹ Although
10 Sanders's complaint identifies a second plaintiff, Damasha Shaw, Shaw has neither signed the
11 complaint nor submitted an application to proceed *in forma pauperis*.² On June 21, 2018, the
12 Court directed Sanders to file a fully completed application to proceed *in forma pauperis* or pay
13 the \$400 filing fee and to submit an amended complaint within 30 days.³ The Court expressly
14 warned him that his failure to comply with the order would result in the dismissal of this case.⁴
15 The deadline has passed, and Sanders has not responded to the Court's order.

16 District courts have the inherent power to control their dockets and "[i]n the exercise of
17 that power, they may impose sanctions including, where appropriate . . . dismissal" of a case.⁵ A
18 court may dismiss an action with prejudice based on a party's failure to prosecute an action,
19 failure to obey a court order, or failure to comply with local rules.⁶ In determining whether to
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21 ¹ ECF No. 1-1 (complaint).

22 ² *Id.* at 2.

23 ³ ECF No. 3 (order).

24 ⁴ *Id.*

25 ⁵ *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).

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27 ⁶ *See Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) (dismissal for noncompliance with
28 local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992) (dismissal for failure to
comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440–

1 dismiss an action for lack of prosecution, failure to obey a court order, or failure to comply with
2 local rules, the court must consider several factors: (1) the public's interest in expeditious
3 resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the
4 defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the
5 availability of less drastic alternatives.⁷

6 I find that the first two factors—the public's interest in expeditiously resolving the
7 litigation and the court's interest in managing the docket—weigh in favor of dismissing this case.
8 The risk-of-prejudice factor also weighs in favor of dismissal because a presumption of injury
9 arises from the occurrence of unreasonable delay in filing a pleading ordered by the court or
10 prosecuting an action.⁸ The fourth factor is greatly outweighed by the factors in favor of
11 dismissal, and a court's warning to a party that his failure to obey the court's order will result in
12 dismissal satisfies the consideration-of-alternatives requirement.⁹ Sanders was warned that his
13 case would be dismissed if he failed to pay the fee or submit a completed application and file an
14 amended complaint within 30 days.¹⁰ So, Sanders had adequate warning that his failure to pay
15 the fee or submit a completed application would result in this case's dismissal.

16 Accordingly, IT IS HEREBY ORDERED that **this action is DISMISSED** without
17 prejudice based on Sanders's failure to pay the fee or submit a completed application and file an
18 amended complaint in compliance with this Court's June 21, 2018, order; and
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21 41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring pro se plaintiffs to
22 keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir.
23 1987) (dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421,
1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules).

24 ⁷ *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423–24; *Malone*, 833 F.2d at 130;
25 *Ferdik*, 963 F.2d at 1260–61; *Ghazali*, 46 F.3d at 53.

26 ⁸ *See Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

27 ⁹ *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132–33; *Henderson*, 779 F.2d at 1424.

28 ¹⁰ ECF No. 3 (order).

1 The Clerk of Court is directed to ENTER JUDGMENT accordingly and CLOSE THIS
2 CASE.

3 DATED: August 10, 2018

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U.S. District Judge Jennifer A. Dorsey